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JUN 30 2006

OFFICE OF PETITIONS

In re Application of :
Patrick Droppleman : DECISION ON PETITION
Application No. 10/612,652 :
Filed: July 2, 2003 :
Atty Docket No. 30552/38911A :

This is a decision on the "REQUEST FOR REMAILING OF NOTICE OF ALLOWANCE AND PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181," filed September 14, 2005.

The above-identified application became abandoned for failure to timely pay the required issue fee (and publication fee) within the statutory period of three (3) months from the mailing date, February 9, 2005, of the Notice of Allowance and Fee(s) Due. No extensions of time are permitted for transmitting issue fees (or publication fees). Accordingly, the above-identified application became abandoned on May 10, 2005. A courtesy Notice of Abandonment was mailed on August 23, 2005.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The instant petition was promptly filed. Petitioner asserts that the Notice of Allowance was never received at the Marshall, Gerstein and Borun law firm (whose address was at the time of mailing of the Notice, and continues to be, the correspondence address of record). The petition includes copies of the law firm's logs, application file jacket, docket records for the entire firm from February 2005 through May 2005 and electronic database docketing record for this application, showing where the Notice would have been entered had it been received; and a statement of attorney of record Richard Anderson, attesting on a personal knowledge basis that the Notice was never received. (It is noted that the correspondence address on the Notice contains an error, inasmuch as, it is addressed to 6300 Sears Tower and not Suite 6300).

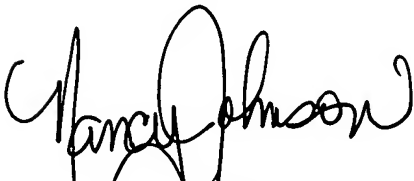
In view thereof, the Notice of Abandonment mailed August 23, 2005 is hereby vacated, and the holding of abandonment is withdrawn. A new Notice of Allowance and Fee(s) Due will be mailed and the period for reply will be re-started.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2818 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Fee(s) Due and for re-mailing of the Notice of Allowability. The three (3) month nonextendable time period for responding to the Notices, including paying the Issue Fee, will be set to run from the mailing date of the new Notices.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions